

Exhibit 4

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**Infringement of U.S. Patent No. 8,266,749
by lululemon**

The allegations made herein are based on information currently available to Nike. Nike reserves the right to amend and/or supplement these allegations based on information provided during the course of this case, including during the course of fact and expert discovery that has yet to take place. Nike also reserves the right to supplement and/or amend these allegations in light of the construction of any claim terms that are disputed by the parties and to the extent that such claim construction affects any of the claims set forth in the chart below. In the event that a claim element is deemed to be missing under a literal infringement analysis (*e.g.*, due to claim construction), Nike reserves the right to demonstrate the presence of a substantial equivalent of such an element and to pursue infringement under the doctrine of equivalents. Moreover, no statements made herein are intended as an admission regarding the meaning of any claim term.

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'749 Patent Claim Limitations	Evidence of Infringement
<p>1[pre]. A method of manufacturing an article of footwear, the method comprising:</p>	<p><i>To the extent the preamble is limiting and upon information and belief, the lululemon Blissfeel, Chargefeel Mid, Chargefeel Low, and Strongfeel styles are articles of footwear manufactured by, or caused to be manufactured by, lululemon.</i></p> <p><i>Specifically, the Blissfeel, Chargefeel Mid, Chargefeel Low, and Strongfeel styles embody an article of footwear, as shown below.</i></p> <p>Blissfeel https://shop.lululemon.com/p/shoes/W-Blissfeel-Running-Shoe/_/prod10940004)</p>  <p>Chargefeel Mid https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Mid/_/prod11110148)</p> 

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Chargefeel Low

(https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Low/_/prod11110147)



Strongfeel

(https://shop.lululemon.com/p/shoes/Strongfeel-Womens-Training-Shoe/_/prod11210018)



Upon information and belief, lululemon manufactures, or causes to be manufacture, the Blissfeel, Chargefeel Mid, Chargefeel Low, and Strongfeel styles. See, e.g.:

Report, Lululemon Sets Up Portland Footwear Office, SGB Media (June 14, 2021) (available at <https://sgbonline.com/lululemon-sets-up-portland-footwear-office/>) (excerpt).

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	<p>Lululemon has leased a 28,000-square-foot office space in Portland, OR to support its planned footwear launch later this year, according to <i>Portland Business Journal</i>.</p> <p>The office space is located at 2151 N.W. Savier Street in Slabtown.</p> <p>The report also cited LinkedIn profile data showing that Lululemon employs footwear specialists in the Portland area, as well as in product and sustainability, engineering, creative directing, coding, product management, global brand experience, design, product creation, and footwear development. Many have an employment history working for Nike, Adidas and Columbia.</p>
<p>1[a]. simultaneously knitting a textile element with a surrounding textile structure, the knitted textile element having at least one knitted texture that differs from a knitted texture in the surrounding knitted textile structure;</p>	<p><i>Upon information and belief, the lululemon Blissfeel, Chargefeel Mid, Chargefeel Low, and Strongfeel styles are articles of footwear including knit and/or knitted mesh uppers. See, e.g.:</i></p> <p>Blissfeel https://shop.lululemon.com/p/shoes/W-Blissfeel-Running-Shoe/_/prod10940004) (“High-abrasion mesh upper helps protect your foot from the elements”)</p> 

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Chargefeel Mid

(https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Mid/_/prod11110148)

(“Engineered mesh upper seamlessly delivers zones of stretch, ventilation, and support.”)



Chargefeel Low

(https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Low/_/prod11110147)



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Strongfeel

(https://shop.lululemon.com/p/shoes/Strongfeel-Womens-Training-Shoe/_/prod11210018)



See also, e.g.:

- Lululemon's Chargefeel trainers claim to support all forms of exercise, so we tried them for ourselves, The Independent (September 7, 2022) (available at <https://www.independent.co.uk/extras/indybest/outdoor-activity/lululemon-chargefeel-trainers-review-b2160826.html>) (“Upon opening the box we first noticed the shoe’s fly-knit material.”).
- Lululemon Blissfeel: An Honest Review Of The Brand's First-Ever Running Sneaker, Women’s Health Magazine (March 22, 2022) (available at <https://www.womenshealthmag.com/fitness/a39494309/lululemon-blissfeel/>) (“The upper is made of a durable stretchy knit material[.]”).
- Mesh Shoes, Lululemon.com (last accessed January 30, 2023) (available at https://shop.lululemon.com/c/shoes/_/N-1z0xpynZ8tj)

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Gender ▾

☐ Women

Shoe Height ▾

☐ Low
☐ Mid

Activity ▾

☐ Running
☐ Workout
☐ Training

Collection ▾

☐ Blissfeel
☐ Chargefeel
☐ Strongfeel

Size ▾

5 5.5 6 6.5 7
7.5 8 8.5 10 10.5
11 11.5 12

Colour ▾

Khaki Printed
Black Blue
Green Grey
Olive Orange
Pink Purple
White Yellow

Features ▾

☐ Lightweight
☐ Reflective

Blissfeel Women's Running Shoe \$158
Blissfeel Women's Running Shoe \$148
Strongfeel Women's Training Shoe \$128

Chargefeel Low Women's Workout Shoe \$138
Chargefeel Mid Women's Workout Shoe \$148

Feedback

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Upon information and belief, the lululemon Blissfeel, Chargefeel Mid, Chargefeel Low, and Strongfeel styles are manufactured, at least in part, using a cut-and-sew manufacturing method in which the knitted upper (or component thereof) is simultaneously knit with a surrounding textile structure that is subsequently removed. For example, the Blissfeel, Chargefeel Mid, Chargefeel Low, and Strongfeel contains edges that appear to be cut from a surrounding knitted textile structure. See, e.g.:

Blissfeel

(https://shop.lululemon.com/p/shoes/W-Blissfeel-Running-Shoe/_/prod10940004)



Chargefeel Low

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Chargefeel Mid

(https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Mid/_/prod11110148)



Strongfeel

(https://shop.lululemon.com/p/shoes/Strongfeel-Womens-Training-Shoe/_/prod11210018)



The lululemon Blissfeel, Chargefeel Mid, Chargefeel Low, and Strongfeel styles have multiple knitted textures, examples of which are shown below. Upon information and belief, at least one knitted texture on the lululemon Blissfeel, Chargefeel Mid, Chargefeel Low, and Strongfeel uppers differ from a knitted texture in the surrounding knitted textile structure.

Blissfeel

(https://shop.lululemon.com/p/shoes/W-Blissfeel-Running-Shoe/_/prod10940004)

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Chargefeel Low

(https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Low/_/prod11110147)

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Chargefeel Mid

(https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Mid/_/prod11110148)

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	<p><i>Strongfeel</i> https://shop.lululemon.com/p/shoes/Strongfeel-Womens-Training-Shoe/_/prod11210018)</p> 
<p>1[b]. removing the knitted textile element from the surrounding knitted textile structure;</p>	<p><i>Upon information and belief, the lululemon Blissfeel, Chargefeel Mid, Chargefeel Low, and Strongfeel styles are manufactured, at least in part, using a cut-and-sew manufacturing method in which the knitted upper (or component thereof) is simultaneously knit with a surrounding textile structure that is subsequently removed. For example, the Blissfeel, Chargefeel Mid, Chargefeel Low, and Strongfeel contain edges that appear to be cut from a surrounding knitted textile structure. See, e.g.:</i></p>

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Blissfeel

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Chargefeel Low

(https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Low/_/prod11110147)



Chargefeel Mid

(https://shop.lululemon.com/p/shoes/W-Chargefeel-Workout-Mid/_/prod11110148)



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	<p><i>Strongfeel</i> (https://shop.lululemon.com/p/shoes/Strongfeel-Womens-Training-Shoe/_/prod11210018)</p> 
<p>1[c]. incorporating the knitted textile element into the article of footwear.</p>	<p><i>The knitted textile element embodying the upper (or a component thereof) of the lululemon Blissfeel, Chargefeel Mid, Chargefeel Low, and Strongfeel styles is incorporated into an article of footwear. See, e.g.:</i></p> <p>Blissfeel (https://shop.lululemon.com/p/shoes/W-Blissfeel-Running-Shoe/_/prod10940004)</p> 

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